

Senate File 2186 - Introduced

SENATE FILE 2186
BY COMMITTEE ON JUDICIARY

(SUCCESSOR TO SF 2015)

A BILL FOR

1 An Act relating to privileged communications between certain
2 peer support group counselors and officers.
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

1 Section 1. NEW SECTION. **80.7A Peer support group counselor.**

2 1. The commissioner, a local law enforcement agency, or any
3 other local agency may designate a peer support group counselor
4 as provided in section 622.10, subsection 9.

5 2. The designation shall occur prior to an incident in which
6 a peace officer was involved. A person designated as a peer
7 support group counselor shall not serve in that capacity if the
8 person was involved in the incident.

9 Sec. 2. Section 622.10, Code 2014, is amended by adding the
10 following new subsection:

11 NEW SUBSECTION. 9. *a.* A peer support group counselor
12 who obtains information from an officer by reason of the
13 counselor's capacity as a peer support group counselor
14 shall not be allowed, in giving testimony, to disclose any
15 confidential communication properly entrusted to the counselor
16 by the officer while receiving counseling.

17 *b.* The prohibition in this subsection does not apply where
18 the officer has consented to the disclosure of the information
19 specified in paragraph "a".

20 *c.* For purposes of this subsection:

21 (1) "*Officer*" means a peace officer, certified law
22 enforcement officer, fire fighter, emergency medical
23 technician, emergency manager, corrections officer, detention
24 officer, jailer, probation or parole officer, communications
25 officer, or any other law enforcement officer certified by the
26 Iowa law enforcement academy and employed by a municipality,
27 county, or state agency.

28 (2) "*Peer support group counselor*" means either of the
29 following:

30 (a) A law enforcement officer, fire fighter, emergency
31 manager, civilian employee of a law enforcement agency, or
32 civilian employee of a fire department, who has received
33 training to provide emotional and moral support and counseling
34 to an officer who needs those services as a result of an
35 incident in which the officer was involved while acting in the

1 officer's official capacity.

2 (b) A nonemployee counselor who has been designated by the
3 commissioner of public safety, a local law enforcement agency,
4 or any other local agency to provide emotional and moral
5 support and counseling to an officer who is a peace officer as
6 defined in section 80.7A who needs those services as a result
7 of an incident in which the officer was involved while acting
8 in the officer's official capacity.

9 EXPLANATION

10 The inclusion of this explanation does not constitute agreement with
11 the explanation's substance by the members of the general assembly.

12 This bill relates to certain public safety peer support
13 group counselors and privileged communications between such
14 counselors and officers.

15 The bill provides that a peer support group counselor
16 who obtains information from an officer by reason of the
17 counselor's capacity as a peer support group counselor
18 shall not be allowed, in giving testimony, to disclose any
19 confidential communications properly entrusted to the counselor
20 by the officer while receiving counseling. The bill creates an
21 exception in cases where the officer has given the officer's
22 consent to the disclosure of such information.

23 The bill defines "officer" to mean a peace officer,
24 certified law enforcement officer, fire fighter, emergency
25 medical technician, emergency manager, corrections officer,
26 detention officer, jailer, probation or parole officer,
27 communications officer, or any other law enforcement officer
28 certified by the Iowa law enforcement academy and employed by a
29 municipality, county, or state agency.

30 The bill defines a "peer support group counselor" as a law
31 enforcement officer, fire fighter, emergency manager, civilian
32 employee of a law enforcement agency, or civilian employee
33 of a fire department, who has received training to provide
34 emotional and moral support and counseling to an officer who
35 needs those services as a result of an incident in which the

1 officer was involved while acting in the officer's official
2 capacity or a nonemployee counselor who has been designated by
3 the commissioner of public safety to provide such support and
4 counseling to a peace officer under the same circumstances.

5 The bill gives the commissioner, a local law enforcement
6 agency, or any other local agency the authority to designate
7 a peer support group counselor. The designation shall occur
8 prior to an incident and a person designated as a peer support
9 group counselor shall not serve in that capacity if the person
10 was involved in the incident.